Murphy.

Neal. Oneal. Purl. Russek. Woodruff.

Poage.

Absent.

Beck. Cousins. Greer.

Martin. Patton.

Absent-Excused.

Woodward.

At 12:50 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee Reports.

Committee Room, Austin, Texas, Jan. 26, 1933. Hon Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom was referred

S. C. R. No. 7,

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BLACKERT, Chairman.

ELEVENTH DAY.

Senate Chamber, Austin, Texas, January 30, 1933.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck. Pace. Blackert. Parr. Collie. Patton. Cousins. Poage. DeBerry. Purl. Duggan. Rawlings. Greer. Redditt. Regan. Holbrook. Hopkins. Russek. Sanderford. Hornsby. Martin. Small. Moore. Stone. Woodruff. Murphy. Woodul. Neal. Oneal. Woodward.

Absent.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Rawlings:

S. B. No. 126, A bill to be entitled "An Act establishing the procedure under which counties may adopt home rule charters, under Section 3, Article 9, of the Constitution."

Read and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 127, A bill to be entitled "An Act amending Article 3773, 1925 Civil Statutes, so as to provide that a judgment in courts of record will not become dormant where execution has issued on such judgment within ten years after its rendition, and declaring an emergency.'

Read and referred to Committee on Civil Jurisprudence.

By Senator Purl:

S. B. No. 128, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, relating to the administration of the affairs of a corporation; and declaring an emergency."

Read and referred to Committee

on Civil Jurisprudence.

By Senators DeBerry and Poage:

S. B. No. 129, A bil to be entitled "An Act amending Section 7j of Chapter 13, Acts of the Third Called Session, Forty-second Legislature, and declaring an emergency.'

Read and referred to Committee

on Civil Jurisprudence.

By Senator Small:

S. B. No. 130, A bill to be entitled "An Act fixing the number and length of terms of district courts in Texas and prescribing rules of practice and procedure by specifying the requisites of citations issued out of district courts; specifying the manner and time for serving citations and making returns thereof, making demands for juries and payment and amount of jury fees; governing the

ed cases on liquidated and unliquidated claims; specifying the time for appearance and answer in such district courts; specifying rules for amending pleadings and setting cases for trial; prescribing rules for all courts except those governed by Article 2092, Revised Civil Statutes; governing the filing of pleas of privilege contests and hearing of such pleas of privilege; filing original and amended motions for new trial and hearings on same; providing time for filing appeal bonds and effective dates of judgments; providing for the selection of juries and for repeal of laws in conflict herewith, and declaring an emergency.'

Read and referred to Committee on Civil Jurisprudence.

By Senators Small, Poage, and Pace:

S. B. No. 131, A bill to be entitled "An Act defining the terms "common carrier," "power unit," "light engine," "passenger train," "freight train," "motor car," "engineer,"
"fireman," "conductor," and "brakeman"; defining the term "competent employee." and applying such term to an engineer, a fireman. Conductor. and brakeman; prohibiting any common carrier from running over its road or part of road outside of the yard limit, any motor car, passenger train, freight train, light engine, or self-propelled machine with less than a full crew of competent employees; requiring a crew of two persons on a motor car when carrying passengers only and three persons when carrying passengers and baggage, express or mail; requiring a full crew of four persons on a passenger train of more than one and less than five units, and a crew of five persons for a passenger train with five or more units; requiring a full crew of five persons on freight trains with less than fifty cars, and a crew of six persons on a freight train with fifty or more cars; requiring a full crew of three persons on a light engine unless such engine comes within the term of a motor car permitting a crew of two persons; requiring a crew of two persons on all self-propelled machines using tracks in meeting and passing trains; exempting roads less than twenty miles in length; providing that the act shall not apply in case of disability in any train crew on the road between terminals; providing a penalty for the vio- a part thereof, of an official short-

assessment of damages in uncontest- lation of the act, suit to recover penalty at the instance of the Attorney General or county or district attorney, and providing venue for said suit; repealing all laws in conflict and declaring an emergency.

> Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 132, A bill to be entitled "An Act to amend Chapter 7 of the Acts of the Forty-first Legislature, Regular Session, page 17, providing for the continuance of the trial of civil and criminal causes and matters in probate, pending in any court in this State while the Legislature is in session, where it appears by affidavit that a party to any such cause is a member of the Legislature and is in attendance thereon; or where it appears that the attorney for any party applying for such continuance in any criminal case is a member of the Legislature and is in attendance thereon, or, where it appears that the attorney for any party applying for such continuance in any civil cause or matter in probate is a member of the Legislature, and is in attendance thereon, provided in any such case it further appears that such attorney for the party applying for such continuance is his only attorney, or is a member of any firm who constitute the only attorneys who are employed by the party applying for such continuance, and who is in attendance upon a session of the Legislature; and that in any of the cases named a fair and proper trial cannot be had in the absence of such party or attorney; and providing that where such showing is made by affidavit in any cause, same shall be continued until ten days after the adjournment of the Legislature; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Read and referered to Committee on Civil Jurisprudence.

By Senators Hopkins and Russek: S. B. No. 133, A bill to be entitled "An Act providing for the appointment by the district judge of the 25th Judicial District of Texas, composed of the counties of Guadalupe, Gonzales, Colorado and Lavaca, or the judge of the judicial district of which the counties of Guadalupe, Gonzales, Colorado and Lavaca are

hand reporter for such district; providing his qualification; providing that the salary of the said official shorthand reporter shall be fixed and determined by the judge of said district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for expenses as provided in Chapter 56, H. B. 276, Acts Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; declaring this act to be a special act, notices thereof having been duly published and exhibited as required by law, and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

On motion of Senator Woodward. Senator Fellbaum was excused for the day on account of important business.

Point of Order.

Senator Neal sent up a committee report on S. B. No. 21.

Senator Woodul raised the point of order that committee reports were out of order at this period of the session.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Report of Committee on Rules.

The Chair laid before the Senate as special order the report of the Committee on Rules. (See pages 116-118.)

Senator Rawlings sent up the following amendments:

Amend committee report by Rules Committee, appearing on page 116, Senate Journal, Regular Session, Forty-third Legislature, by striking out the figures twenty-three (23) and substituting in lieu thereof the figures twenty-four (24).

RAWLINGS. ONEAL.

The amendment was read.

Amend committee report by Rules Committee, appearing on page 118, Senate Journal, Regular Session of Forty-third Legislature, by lost by the following vote:

striking out the second paragraph of Rule VI.

> RAWLINGS. ONEAL.

The amendment was read.

Senator DeBerry raised the point of order that these amendments were out of order because the amendment or adoption of a committee report does not finally pass a bill or resolution or serve as final action on the subject of the report.

The Chair Lieutenant Governor Edgar E. Witt, sustained the point of order.

The committee report was adopted.

Senator Rawlings sent up the following amendments:

Amend the Joint Rules as reported by the Committee on Rules by adding the following rule to be known as Rule No. 24:

"During the Regular Session of the Forty-third Legislature, the President of the Senate and the Speaker of the House of Representatives shall cause to be placed on the calendar of their respective houses. for consideration each day after the morning call, any and all pending joint resolutions proposing amendments to the Constitution of the State of Texas, and no other bills or resolutions shall be considered, on any particular day, by consent or otherwise, until all such joint resolutions are finally disposed of by the House before which such resolutions are pending.'

> RAWLINGS. ONEAL.

Read and adopted.

Amend Special Rule No. VI of the House and Senate as reported by the Rules Committee on page 118, Senate Journal, Regular Session of the Forty-third Legislature, by striking out the second paragraph.

RAWLINGS. ONEAL.

Read and adopted.

Senator Purl sent up the following amendment:

Rule Two, amend by striking out "sixty." Insert "45" days. PURL.

The amendment was read, and

Yeas-10.

Collie. Cousins. DeBerry. Hornsby.

Moore.

Poage. Purl. Redditt. Sanderford. Woodul.

Nays—19.

Blackert. Duggan, Greer. Holbrook. Parr.
Patton.
Rawlings.
Regan.
Russek.

Hopkins. Martin. Murphy. Neal. Oneal.

Russek, Small. Stone. Woodruff, Woodward.

Pace.

Absent.

Beck.

Absent-Excused.

Fellbaum.

Senator Woodward moved that the further consideration of these rules and H. C. R. No. 9, on the same subject, be referred to the Committee on Rules.

The motion prevailed.

By unanimous consent, the following amendments were sent up to be considered by the Committee on Rules:

When any bill shall have been acted upon finally by either branch of the Legislature, and shall have been transmitted to the other, said bill shall be, without the necessity of suspending the rule by a vote thereon, referred by the presiding officer thereof to an appropriate committee for consideration.

WOODRUFF, RAWLINGS.

Amend, strike out "60." insert "30."

PURL.

Executive Session Set.

By unanimous consent, the Senate voted to go into executive session this afternoon at 4:30 o'clock.

Messages From the House.

Hall of the House of Representatives, Austin, Texas, Jan. 30, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 80, A bill to be entitled "An Act to amend Section 28, as heretofore amended by Chapter 5, page 14, of the Special Laws of the Regular Session of the Forty-second Legislature; of Chapter 36, page 359, of the Acts of the Thirty-first Legislature, approved March 15, 1909, entitled 'An Act to validate the Wichita Falls Independent School District, in Wichita county, Texas,' (and for other purposes) etc., and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act to amend Article 2956, as amended by Chapter 105, Acts of the Regular Session, Forty-second Legislature, providing for absentee voting in all elections, etc., and declaring an emergency."

(With amendment.)

H. B. No. 17, A bill to be entitled "An Act amending Chapter 308 of the General Laws of the State of Texas passed by the Regular Session of the Forty-second Legislature, adjusting the compensation for county treasurers in counties of a population of not less than two hundred and fifty thousand (250,000), where the treasurer of such counties prepares the payrolls, makes payments thereunder in cash, and acts as paymaster for the county, in addition to the regular duties as county treasurer, and declaring an emergency."

H. B. No. 261, A bill to be entitled "An Act authorizing any taxpayer in any common school district or independent school district to pay any or all of such school tax prior to the payment of any other tax that may be collectible on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing if desired, the making of a special roll showing such school taxes segregated; providing that this Act shall be in force only for a period of two years; repealing all laws in conflict therewith for such two year period; and declaring an emergency."

H. B. No. 27, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, killing or possessing of any wild quail of any species within the limits of Com-

missioners' Precinct No. 2 of the county of Karnes, State of Texas, for a period of five years from and after the passage of this Act; providing a penalty therefor, and declaring an emergency.'

H. B. No. 60, A bill to be entitled "An Act to amend Chapter 6, Chapter 26, of the Acts of the Third Called Session of the Forty-second Legislature, relating to the taking of fur-bearing animals in certain counties, and declaring an emergency."

H. B. No. 66, A bill to be entitled "An Act providing for a closed season in Glasscock county, upon quail, doves, and pheasants, for a period of three (3) years; and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the For-Legislature of Texas, amended in Chapter 5, of the Acts of the Regular Session of the Fortyfirst L'egislature of Texas, etc., and declaring an emergency." (With reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the county of Armstrong.)

H. B. No. 87, A bill to be entitled "An Act to declare a closed season on the killing of blue quail, bob whites, and doves in Yoakum county, for a period of five years, prescribing a penalty therefor, and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act to amend Article 955, of the Revised Criminal Statutes of 1925, as amended by House Bill No. 406, Chapter 257, General and Special Laws of the Regular Session of Forty-first Legislature, amended by House Bill No. 179, Chapter 304, General and Special Laws of the Regular Session of the Forty-second Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties, etc., and declaring an emer-

H. B. No. 104, A bill to be entitled "An Act to amend Sections 1, 2 and 6, Chapter 148, of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the to Committee on State Affairs.

Texas State Parks Board, separately, and in cooperation with each other, to acquire by gift or purchase land for public parks, etc., and declaring an emergency."

H. B. No. 121, A bill to be entitled "An Act to amend Chapter 6 of the Special Laws of the Acts of the Regular session of the Forty-second Legislature providing for an open season or period of time when it shall be lawful to take or kill squirrel in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act to amend Chapter 137, of the Special Laws of Texas, Regu-Session of the Forty-second Legislature, and declaring an emergency." (Relating to establishing a system of public roads and bridges for Bexar County, known as the Bexar County Road Law.)

H. B. No. 131, A bill to be entitled "An Act to establish and create a criminal judicial district and a criminal district court for Bexar county; providing for the jurisdiction of and procedure in said court; fixing the time for holding the terms of said court; providing for the election, tenure of office, qualifications, duties, powers, and compensation of a judge of said court; etc."

H. B. No. 140, A bill to be entitled "An Act repealing Chapter 50 of Special Laws of Texas of the Regular Session of the Forty-second Legislature of the State of Texas, known as House Bill No. 712, providing for a special road law in Lavaca county, Texas, and declaring an emergency."

H. B. No. 263, A bill to be entitled "An Act amending Section 7-j, of Chapter 13, Acts of the Third Called Session, Forty-second Legislature (relating to appropriation of moneys to County and Road District Highway Fund), and declaring an emergency."

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 17, read and referred to Committee on State Affairs.

H. B. No. 27, read and referred to Committee on State Affairs.

H. B. No. 60, read and referred

to Committee on State Affairs.

H. B. No. 80, read and referred to Committee on Educational Af-

H. B. No. 82, read and referred to Committee on Stock and Stock Raising.

H. B. No. 87, read and referred to Committee on State Affairs.

H. B. No. 98, read and referred to Committee on State Affairs.

H. B. No. 104, read and referred to Committee on Towns and City Corporations.

H. B. No. 121, read and referred to Committee on State Affairs.

H. B. No. 129, read and referred to Committee on State Affairs.

H. B. No. 131, read and referred to Committee on Judicial Districts.

H. B. No. 140, read and referred to Committee on State Affairs.

H. B. No. 261, read and referred to Committee on State Affairs.

H. B. No. 263, read and referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 9, read and referred to Committee on Rules.

Motion to Concur.

Senator Parr moved to concur in House Amendments to S. B. No. 93. The motion prevailed by the following vote:

Yeas-30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent-Excused.

Fellbaum.

Motion Directing Committee Report.

Senator Small sent up the following written motion:

Mr. President. I move that the Constitutional rule restricting committee reports be suspended and that

H. B. No. 66, read and referred the Committee on Judicial Districts be instructed to report on House Bill No. 68, entitled A bill abolishing the 114th Judicial District not later than Tuesday morning, January 31st.

SMALL.

Read and adopted unanimously.

Amendment to Senate Rule No. 80.

The question recurred on the motion to substitute the minority report for the majority report on the proposed amendment to Senate Rule No.

Senator Hopkins moved as a substitute that the proposed amendment be re-committed to the Committee on Rules. The motion prevailed by the following vote:

Yeas-17.

Blackert.	Patton.
Collie.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Pace.	Stone.
Parr	

Nays-12.

Beck.	Oneal.
Beck. DeBerry.	Poage.
Hornsby.	Purl.
Hornsby. Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.

Cousins.

Absent-Excused.

Fellbaum.

Motion to Reconsider.

Senator Purl moved to reconsider the vote by which the executive session was set for 4:30 o'clock p. m. today.

Recess.

Senator Greer moved to recess until 4:30 o'clock p. m. The motion prevailed by the following vote:

Yeas-15.

Blackert.	Hopkins.
Collie.	Martin.
Duggan.	Pace.
Greer.	Parr.

Patton. Rawlings. Redditt.

Sanderford. Small. Stone.

Russek.

Nays-14.

Beck. DeBerry. Holbrook. Hornsby. Moore. Murphy. Neal.

Oneal. Poage. Purl. Regan. Woodruff. Woodul. Woodward.

Absent.

Cousins.

Absent—Excused.

Fellbaum.

At 12:42 o'clock p. m. the Senate recessed.

After Recess.

The Senate met at 4:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar Witt.

S. C. R. No. 8.

Senator Neal sent up the following resolution:

To recommend to President-elect Franklin D. Roosevelt the appointment of Honorable Hal H. Sevier of Texas as Ambassador to Chili.

Whereas, The President-elect of the United States, Honorable Frank-lin D. Roosevelt, is now concerned with the selection of the best material available for diplomatic posts in foreign countries, to the end that the United States of America may be creditably represented, and properly interpreted to the nations of the earth; and

Whereas, Texas by history, tradition and geographical position, as well as by blood and birth of her people, is closely allied with, and sympathetically attached to, the Spanish speaking peoples of Mexico and Central and South America; and

Whereas, A native son of the State of Texas, whose forbears were among the early patriots of the Republic of these resolutions be sent to Presi-Texas, Honorable Hal H. Sevier, one dent-elect Roosevelt; Vice-Presidentof the most distinguished men of the elect John Nance Garner; Honorable State—a patriot, statesman and dip- James M. Farley, National Commit-

foreign countries for many years, and particularly in Latin-American countries; and

Whereas, During the World War he was sent as emmissary to South America, under commission of President Woodrow Wilson, and rendered invaluable service to the Committee on Public Information by compiling valuable data and combatting German propaganda; and

Whereas, His activities began in the Republics of Argentina, Uraguay and Paraguay, and finally extended to the whole of the South American continent; and

Whereas, His duties brought him in contact with officials, the heads of educational institutions, the diplomatic corps and the business interests of the countries to which he was assigned, resulting in the gratifying record of a prodigious strengthening of confidence and good will between his own government and the governments to which he was assigned; and

Whereas, As a diplomat he so won the respect and affection of the people of the South American countries that they petitioned the government at Washington, after the Armistice was signed, to permit him to retain his post indefinitely; and

Whereas, Mr. Sevier had ever at his side, as his companion and aid, during the discharge of his diplomatic mission, his brilliant and distinguished wife. Honorable Clara Driscoll Sevier, who is no less a patriot, statesman and diplomat, and whose magnificent ability and charming grace would reflect added credit on the appointment; and

Whereas, Both Mr. Sevier and Mrs. Sevier would not only bring honor and distinction to the office, but would bring about an era of good feeling between the United States and all of the Latin-American countries: therefore, be it

Resolved by the Senate, the House of Representatives concurring, That Honorable Hal H. Sevier of Austin, Corpus Christi and San Antonio, be President-elect recommended to Franklin D. Roosevelt for appointment as Ambassador to Chili, South America:

Resolved, further, That a copy of lomat—has traveled extensively in teeman, and to Senators Morris Sheppard and Tom Connally of Texas.

NEAL. MURPHY, PARR. DUGGAN, HORNSBY. RAWLINGS, HOPKINS, SMALL, PATTON, MOORE, MARTIN, GREER, RUSSEK, PURL, BLACKERT. WOODWARD. WOODUL, WOODRUFF. ONEAL, REDDITT. SANDERFORD. STONE, PACE, BECK. COLLIE, COUSINS. REGAN, FELLBAUM.

Read and unanimously adopted.

Motion to Send Representative to Washington Meeting.

Senator Greer moved that the Senate send a representative of the Senate to the First Interstate Conference of Legislators to be held in Washington, D. C., February 3, 1933, his expenses to be paid out of the contingent expense fund of the Senate. The motion prevailed.

Senator Small nominated Senator Oneal who was unanimously elected.

Senators Poage, DeBerry, and Collie received unanimous consent to be recorded as voting "No" on the motion.

Motion to Reconsider.

The question recurred upon the pending motion to reconsider the vote by which the Senate this morning voted to go into executive session at 4:30 o'clock p. m. The motion was lost.

Senator DeBerry received unanimous consent to be recorded as voting "Yea" on the motion.

Executive Session.

The Chair, announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Confirmed.

Live Stock Sanitary Commission: Martin. Leo Callan, Bexar County, chairman; Moore.

of Dr. E. F. Jarrell, Smith County, member; W. M. Gleen, Angelina County, member.

Board of Education: Tom Garrard, Lubbock County, member.

Board of Regents, University: J. H. Lutcher Stark, Orange County; Dr. J. K. Aynesworth, McLennan County; L. J. Sulack, Fayette County.

Refused to confirm—Board of Education: B. F. Tisinger, C. H. Chernosky.

Adjournment.

Senator Hopkins moved to recess until 10 o'clock tomorrow morning.

Senator Poage moved to adjourn until 10 o'clock tomorrow morning. The motion prevailed, and at 7:45 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee on Enrolled Bills.

Committee Room, Austin, Texas, Jan. 30, 1933, Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 93 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

TWELFTH DAY.

Senate Chamber, Austin, Texas, January 31, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck. Murphy. Blackert. Neal. Oneal. Collie. Pace. Cousins. Parr. DeBerry. Duggan. Patton. Fellbaum. Poage. Purl. Greer. Rawlings. Holbrook. Redditt. Hopkins. Regan. Hornsby. Sanderford. Small.